

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re: SABRINA GENE COHN

CASE NO. MC20-0105RSL

ORDER OF DISMISSAL

On November 13, 2020, Sabrina Gene Cohn filed certain documents with the Court and indicated in communications with the Clerk's Office staff that she was attempting to remove a state criminal matter to federal court because the state had not been receptive to her arguments and defenses. She was ordered to show cause why this case should not be dismissed for lack of subject matter jurisdiction.

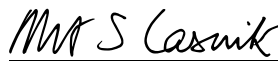
In response, Ms. Cohn provided a letter in which she asserts that the officer who gave her a citation ignored the fact that the vehicle she was driving is owned and registered by the Snoqualmoo/Snoqualmie Tribe and was therefore exempt from the state law registration and plate requirements the officer was trying to enforce. Dkt. # 5. Ms. Cohn has not, however, identified any authority for the removal of this action. As set forth in the order to show cause, a criminal defendant may remove a state criminal prosecution if a defense she seeks to assert is based on federal laws protecting equal civil rights *and she is prevented from asserting that defense by a state statute or constitutional provision that purports to command the state courts to ignore federal rights*. See 28 U.S.C. § 1443; *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998–99 (9th Cir. 2006). Assuming that Ms. Cohn's treaty-based defense to the prosecution is based on

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1 “federal laws protecting equal civil rights,” she has not pointed to a “formal expression  
2 of state law that prohibits [her] from enforcing [such] civil rights in state court[.]” *Id.* at  
3 999. Rather, the only reasonable inference from the evidence and assertions provided is  
4 that the officer who gave her the citation may have erred. *See generally Prairie Band of*  
5 *Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1254 (10th Cir. 2001) (identifying three  
6 possible barriers to a state’s assertion of authority over a Tribe with respect to motor  
7 vehicle registration and titling). But that kind of error is exactly the type that can be  
8 corrected through the state judicial process. There is no indication that the state courts  
9 are unable or unwilling to hear and enforce Ms. Cohn’s defense based on treaty rights.

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11 Ms. Cohn has not satisfied her burden of showing federal jurisdiction over this  
12 matter. The Clerk of Court is directed to remand the case back to Snohomish County  
13 District Court.

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15 Dated this 21st day of December, 2020.

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17 Robert S. Lasnik  
18 United States District Judge  
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